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| 10/727,546 | 12/05/2003 | Hisayoshi Tsubaki | 2091-0302P | 7320 |
| 2292 | 7590 | 03/25/2009 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | | PETERSON, CHRISTOPHER K |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks page 9, filed 3/12/2009, with respect to 35 U.S.C. 112 rejection have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claims 3 and 19 has been withdrawn.

2. Applicant's arguments filed 3/12/2009 have been fully considered but they are not persuasive.

First, in regard to claims 1, the Applicant argues the Kaku reference does not teach the "an imaging communication means included with each associated imaging means for providing wireless data communication with the subject carried terminal devices" (See Remarks, Pg. 9). The Examiner respectfully disagrees. Specifically, noting the Kaku reference (US Patent Pub. 2002/0049728), Fig. 16 and 24 and Para 154 and 179 shows the an imaging communication means included with each associated imaging means for providing wireless data communication with the subject carried terminal devices. Applicant argues Kaku only teaches that a "transmitter may include one of an ID card and a cellular phone," not that a "radio wave detector" will include either one of the transmitter suggested ID card or ("one of" does not mean both of) a cellular phone (Para 25). Examiner agrees Kaku does cite this in paragraph 25, but in the detailed description of the specification Kaku shows in figure 16 a method of using a

cell phone (362) for the transmitter and in figure 17 an ID card slot (394) is used for the transmitter. Kaku later in figure 24 again shows radio wave transmitter 360 maybe a wireless communication means, for example, a cellular phone, or a PHS.

Secondly, in regard to claims 1, the Applicant argues the Kaku reference does not teach the "when the terminal device carried by the subject and the imaging communication means become able to communicate with each other to determine the subject is within the image data to be obtained by the imaging means" (See Remarks, Pg. 11). The Examiner respectfully disagrees. Specifically, noting the Kaku reference (US Patent Pub. 2002/0049728), Fig. 16 and 24 and Para 154 and 179 shows the radio wave transmitter 360 is in data communication with the radio wave detector 370. Data communications is defined as electronic transmission of information that has been encoded for storage and processing by computers. The radio wave detector 370 and radio wave transmitter 360 need to communicate or the system of Kaku would not function. Kaku in figure 3 discusses a character ID which is assigned to each of the characters who use the image distributing system is recorded in the character information database 110 (Para 106). The radio wave transmitter 360 would have a special character ID and would transmit (data communication) the special character ID out for a radio wave detector (370) to complete the communication.

Thirdly, in regard to claims 1, the Applicant argues the Kaku reference does not teach the "substantially within an imaging angle of view of the associated imaging means (camera 12)" (See Remarks, Pg. 15). The Examiner respectfully disagrees. Specifically, noting the Carlson reference (US Patent 6,694,151), FIG. 5 or col. 5, lines

8-24 shows the radio wave transmitter 360 is in data communication with the radio wave detector 370. Carlson teaches the plastic case or outer enclosure 56 of the camera is lined with a conductive surface like a conductive paint or metal film to form a Faraday cage 54 about the electronics of the digital camera. The Faraday cage (54) would prohibit the camera from receiving signal from any where except from the front of the camera. The Faraday cage 54 can be used as the reflector for the radiating elements to form a directional antenna array. Carlson shows in Figure 3 where the antenna only transmits or receives in a direction of the lens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a Faraday cage as taught by Carlson to the radio wave detector (370) and camera of Kaku. For the above reasons, the Examiner believes the Kaku and Carlson references do teach the limitations of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER K. PETERSON whose telephone number is (571)270-1704. The examiner can normally be reached on Monday - Friday 6:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. K. P./
Examiner, Art Unit 2622
18 March 2009

/Sinh N Tran/
Supervisory Patent Examiner, Art Unit 2622